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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

IN THE MATTER OF )

Administrative Action

ANDREW N. JACOBY, D.D.S. )  
LICENSE NO. D1 11556 )

CONSENT ORDER

LICENSED TO PRACTICE )  
DENTISTRY IN THE STATE )  
OF NEW JERSEY )

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information that Andrew N. Jacoby, D.D.S. ("respondent"), violated the Dentistry Act, N.J.S.A. 45:6-1 et seq., and the Board's regulations N.J.A.C. 13:30-1 et seq. Specifically, it has been alleged that: respondent wrote prescriptions for individuals who were not patients of record, including a member of his staff and members of her family, and that such conduct constitutes misrepresentation, negligence and professional misconduct in violation of N.J.S.A. 45:1-21(b), (d), and (e). Further respondent failed to record prescriptions written for patients in patients' charts. Respondent, by this conduct, violated N.J.A.C. 13:30-8.7(a)7. On October 21, 1998 respondent

appeared with counsel, Lawrence Ravitz, Esq., at an investigative inquiry into the matter held by the Board.

Having reviewed the entire record, including the testimony of respondent at the investigative inquiry, it appears to the Board that these facts establish basis for disciplinary action pursuant to N.J.S.A. 45:1-21(b), (d), (e), and (h). It now appears that respondent desires to resolve this matter without recourse to formal proceedings and the Board having found that the entry of this Consent Order adequately protects the public and for good cause shown:

IT IS ON THIS <sup>3<sup>rd</sup></sup> ~~12<sup>th</sup>~~ DAY OF <sup>March</sup> ~~Feb~~, 1999,

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall successfully complete "Mini Residency in the Proper Prescribing of Controlled Dangerous Substances" offered at the University of Medicine & Dentistry conducted by William Vilensky, D.O., R.Ph. This course shall be completed by May 31, 1999. Respondent shall complete the attached Continuing Education Report and Proof of Attendance as proof of successful completion of the required course work. The attached form is made a part of this Consent Order.

2. Respondent shall cease and desist from writing prescriptions for individuals who are not patients of record.

3. Respondent shall use sequentially numbered, triplicate prescription pads for all prescriptions written and shall attach one copy of the prescription to the patient record and

submit the second copy to the Board, attention Agnes M. Clarke, Executive Director, on a quarterly basis.

4. Respondent shall pay civil penalties, pursuant to N.J.S.A. 45:1-22 in the amount of \$3,000, \$2,000 of which is a penalty for failing to maintain adequate records and \$1,000 of which is a penalty for writing prescriptions for patients not of record. Payment for the civil penalties totaling \$3,000 shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Agnes M. Clark, Executive Director, Board of Dentistry, P.O. Box 45005, Newark, New Jersey 07101, upon signing of this order. In the event that respondent does not make a timely payment, respondent consents to the entry of a judgment in Superior Court for the full amount due upon application supported by affidavit by the Attorney General or his designee. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

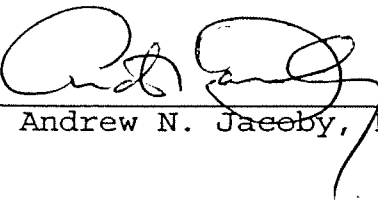
5. Respondent shall pay costs of the investigation to the State in this matter in the amount of \$136.00. Payment for the costs shall be submitted by certified check or money order made

payable to the State of New Jersey and submitted to the Board upon signing this Consent Order. Payment shall be sent to Agnes M. Clarke, at the address described in paragraph #4.

NEW JERSEY STATE BOARD OF DENTISTRY

By:   
Abraham Samansky, DDS  
President

I have read and understand  
the within Consent Order  
and agree to be bound by  
its terms. Consent is  
hereby given to the Board  
to enter this Order.

  
Andrew N. Jacoby, D.D.S.